In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 1654 of 2006

Date of Decision: 14.12.2006

Jaspal Singh

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. Rameshwar Sharma, Advocate
for the petitioner.

Mr. B.S. Chahal, AAG, Punjab
for the respondents.

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J.S. Khehar, J.

According to the pleadings of this case, the petitioner was inducted into the service of the Punjab Roadways, Ferozepur, as a Conductor on 13.7.1984 on purely temporary and adhoc basis. His services were regularised w.e.f. 19.4.1985.

Through the instant writ petition, the petitioner claims additional increments on completion of 8 years and 16 years of service, under the Assured Career Progression Scheme, introduced by the State government in 1998. According to the learned counsel for the petitioner, despite the fact, that the petitioner had completed not only 8 years of service but also 16 years of service, the increments due to him under the Assured Career Progression Scheme, have been denied to him. As against the denial of the aforesaid benefit of increments to the petitioner, it is also the

vehement contention of the learned counsel for the petitioner, that persons who were inducted into service of the respondents later than the petitioner, have been granted the benefit of increments under the aforesaid scheme.

As against the aforesaid contention of the learned counsel for the petitioner, it is averred on behalf of the respondents, that increments under the Assured Career Progression Scheme, are granted on completion of 8/16 years of regular service, subject to the condition, that the work and conduct of the employee has been graded as "good". In so far as the instant issue is concerned, namely, the issue of having acquired "good grading", it is submitted, that the instructions issued by the State government on the issue of grant of increments under the Assured Career Progression Scheme, read with the clarifications issued subsequently, make it abundantly clear, that good service record is deemed to have been earned by an employee, who has earned atleast 50% "good" Annual Confidential Reports, with the further condition, that two of the last three Annual Confidential Reports, are also "good". In so far as, the petitioner is concerned, it is averred, that he achieved the aforesaid bench mark on 1.4.2002, and as such, he was granted the first increment under the Assured Career Progression Scheme w.e.f. 1.4.2002 vide an order dated 9.11.2005. The aforesaid increment was granted to the petitioner after satisfying the bench mark, after having completed 8 years of regular service. So far as, the second increment under the Assured Career Progression Scheme on completion of 16 years of regular service is concerned, it is the submission of the learned counsel for the respondents, that two departmental enquiries are pending against the petitioner, wherein allegations of fraud/misappropriation have been levelled against him. The aforesaid allegations pertain to the period April, 2003

and February, 2004, whereas, the second increment under the Assured Career Progression Scheme, became due to the petitioner w.e.f. 8.7.2004. However, due to the pendency of the aforesaid departmental enquiries, the claim of the petitioner for the grant of second increment under the Assured Career Progression Scheme, has been kept in abeyance, and would be taken up on the culmination of the aforesaid departmental enquiries. The instant factual position is also noticed in the joint written statement filed on behalf of respondents No.1 to 3.

The factual position noticed in the foregoing paragraph has not been disputed at the hands of the petitioner. In view of the above, we are satisfied, that the petitioner was rightfully granted the first increment under the Assured Career Progression Scheme, w.e.f. 1.4.2002 when he satisfied the bench mark, on having completed 8 years of regular service. We are also satisfied, that the petitioner's claim for the grant of second increment under the Assured Career Progression Scheme, on completion of 16 years of regular service, has not been considered by the respondents on account of the fact, that two departmental enquiries are pending against him, and that the same would be considered by the respondents on the culmination of the aforesaid departmental enquiries.

For the reasons recorded above, we find no merit in this petition, and the same is, accordingly, dismissed.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

14.12.2006
sk.